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ALEXANDER L. STEVAS,
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No. 82-1401

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

IAIN CALDER and JOHN SOUTH,
Appellants,

v.

SHIRLEY JONES and MARTY INGELS,
Appellees.

On Appeal from the California Court of Appeal, Second Appellate District

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SUGGESTION OF MOOTNESS AS TO APPELLEE INGELS

JOHN G. KESTER *
F. LANE HEARD III
Hill Building
Washington, D.C. 20006
(202) 331-3069
Attorneys for Appellants

Of Counsel:
WILLIAMS & CONNOLLY
Hill Building
Washington, D.C. 20006

* Counsel of Record

WILSON - EPES PRINTING CO., INC. - 789-0096 - WASHINGTON, D.C. 20001

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Appellants wish to advise the Court that Mr. Marty Ingels, one of the Appellees in this case, has voluntarily dismissed all his claims against all the defendants, including Appellants. His Request for Dismissal was filed in the Superior Court of the State of California for the County of Los Angeles on April 4, 1983, and we are informed has been entered by that court and terminates this litigation as to him. See CAL. CODE OF CIV. PROC. §§ 581, 581d.

Appellants believe that this dismissal by Mr. Ingels renders the present appeal moot as to him. It does not in any way affect the position of Appellee Jones, however, and as to her this case and the issues it raises remain unchanged.

In accordance with the settled practice of this Court in cases that become moot, the appropriate disposition

of the appeal with respect to Mr. Ingels is to vacate the judgment of the court below as to him. *DeFunis* v. *Odegaard*, 416 U.S. 312, 320 (1974); *Garvin* v. *Cochran*, 371 U.S. 27 (1962); *cf. Tulare Lake Canal Co.* v. *United States*, 103 S.Ct. 712 (1983); *Chicago Board Options Exchange, Inc.* v. *Board of Trade*, 103 S.Ct. 434 (1982); *United States* v. *Munsingwear, Inc.*, 340 U.S. 36, 39 (1950). Costs should be taxed against Appellee. *Dyer* v. *City Council of Beloit*, 333 U.S. 825 (1948).

CONCLUSION

For the reasons stated, the judgment with respect to Appellee Ingels should be vacated as moot with costs taxed against Appellee.

Respectfully submitted,

JOHN G. KESTER *
F. LANE HEARD III
Hill Building
Washington, D.C. 20006
(202) 331-3069
Attorneys for Appellants

Of Counsel:
WILLIAMS & CONNOLLY
Hill Building
Washington, D.C. 20006
* Counsel of Record

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